

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES TRUSTEE
ANDREW R. VARA
ACTING UNITED STATES TRUSTEE, REGION 3
Benjamin Teich
One Newark Center, Suite 2100
Newark, NJ 07102
Telephone: (973) 645-3014
Fax: (973) 645-5993
E-mail: Benjamin.Teich@usdoj.gov

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:	:	Case No. 16-22015 (KCF)
	:	
	:	
Kaars Incorporation,	:	Chapter 11
	:	
	:	Honorable Kathryn Ferguson
Debtor.	:	
	:	Hearing Date: October 17 at 2:00 p.m.

**OBJECTION OF THE ACTING UNITED STATES TRUSTEE TO NOTICE
OF INTENTION TO CLOSE CASE PURSUANT TO D.N.J. LBR 3022-1(a)**

The Acting United States Trustee, by and through counsel, in furtherance of his duties and responsibilities under 28 U.S.C. § 586(a)(3) and (5), hereby respectfully submits this Objection to the Clerk's Notice of Intention to Close Case Pursuant to D.N.J. LBR 3022-1(a) (the "Objection"). In support of the Objection, the Acting United States Trustee represents as follows:

1. On June 21, 2016, the above-captioned Debtor filed a voluntary petition for relief under chapter 11 of title 11, United States Code (the "Bankruptcy Code"). *See* Docket Entry 1.
2. On April 18, 2017, the Court entered an Order Confirming the Debtor's chapter 11 plan of reorganization. *See* Docket Entry 82.

3. On September 18, 2017, the Clerk filed a notice of intention to close case. *See* Docket Entry 106.

4. In order for a case to close, the Court must determine that the estate has been fully administered:

After an estate is fully administered and the court has discharged the trustee, the court shall close the case.

11 U.S.C. § 350(a).

5. If the Court determines that the estate is fully administered, the Court is required to enter a final decree closing the case:

After an estate is fully administered in a chapter 11 reorganization case, the court, on its own motion or on motion of a party in interest, shall enter a final decree closing the case.

Fed. R. Bankr. P. 3022.

6. The Debtor is obligated to file post-confirmation quarterly reports and to pay quarterly fees under 28 U.S.C. § 1930(a)(6):

... a quarterly fee shall be paid to the United States trustee, for deposit in the Treasury, in each case under chapter 11 of title 11 for each quarter (including any fraction thereof) until the case is converted or dismissed, whichever occurs first...

28 U.S.C. § 1930(a)(6).

7. This case can only be fully administered pursuant to 11 U.S.C. § 350 if all reports are filed and all quarterly fees are paid up to the date the Court closes this case.

8. Further, D.N.J. LBR 3021-1(d) requires distribution reports to be filed.

9. To date, the Debtor has filed a post-confirmation quarterly report for the second quarter of 2017, but owes at minimum a stub report for the third quarter of 2017.

10. The Debtor is presently current on estimated quarterly fees.

11. The docket does not reflect the filing of any distribution reports.

For the foregoing reasons, the Acting United States Trustee respectfully requests that the above-captioned case not be closed until the Debtor files any and all outstanding reports and pays any resulting quarterly fees.

ANDREW R. VARA
ACTING UNITED STATES TRUSTEE
REGION 3

By: /s/ Benjamin Teich
Benjamin Teich
Trial Attorney

Dated: September 27, 2017